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TESLA, INC.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TESLA, INC.,  
v.  
MARTIN TRIPP,  
Plaintiff,  
Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**APPENDIX OF EXHIBITS IN SUPPORT  
OF TESLA, INC.'S MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, FOR PARTIAL  
SUMMARY JUDGMENT**

**(VOLUME 2 of 3)**

AND RELATED COUNTERCLAIMS

Plaintiff and Counterclaim Defendant, Tesla, Inc., submits an Appendix of Exhibits in Support of its Motion for Summary Judgment, or in the alternative, Partial Summary Judgment.

| Ex | Description   | Vol. # | Page Nos.   |
|----|---|--------|-------------|
| 1  | September 4, 2019 Martin Tripp Deposition Excerpts [ <b>Filed under seal</b> ]  | 1      | MSJ_001-046 |
| 2  | August 27, 2019 Nicolas Gicinto Deposition Excerpts [ <b>Filed under seal</b> ]   | 1      | MSJ_047-081 |
| 3  | January 22, 2019 Michael Persyn Deposition Excerpts   | 1      | MSJ_082-086 |
| 4  | September 6, 2019 Shamara Bell Deposition Excerpts  | 1      | MSJ_087-102 |
| 5  | June 5, 2019 Sarah O'Brien Deposition Excerpts  | 1      | MSJ_103-109 |
| 6  | Martin Tripp's June 14, 2018 interview with Nicolas Gicinto and Jake Nocon (TESS-TRIPP_0028450-739) [ <b>Filed under seal</b> ]   | 1      | MSJ_110-147 |
| 7  | Exhibit 74 to the deposition of Martin Tripp, screenshots of messages between Martin Tripp and James Uelmen (TES-TRIPP_0021837)   | 1      | MSJ_148-149 |
| 8  | Evelyn Cheng, <i>Tesla shares falls after Moody's downgrades credit rating</i> , CNBC.COM (Mar. 27, 2018)   | 1      | MSJ_150-158 |
| 9  | Sonari Ginton, <i>Out Of The Gate, Tesla Stumbles On Its Mass-Market Car</i> , NPR (Oct. 3, 2017)   | 1      | MSJ_159-167 |
| 10 | Neal E. Boudette, <i>For Tesla, 'Production Hell' Looks Like the Reality of the Car Business</i> , THE NEW YORK TIMES (April 3, 2018)   | 1      | MSJ_168-170 |
| 11 | Exhibit 70 to the deposition of Martin Tripp, the June 2, 2018 email correspondence between Martin Tripp and Michael Bowling, subject line: "Meet to discuss the following," (TRIPP00951-52) [ <b>Filed under seal</b> ]                      | 1      | MSJ_171-173 |
| 12 | October 16, 2017 email correspondence and attachment between Michael Bowling and Martin Tripp, subject line: "FW Martin Tripp," (TES-TRIPP_0026707) [ <b>Filed under seal</b> ]   | 1      | MSJ_174-177 |
| 13 | Tesla Motor's Inc. Code of Business Conduct and Ethics (TRIPP00773-80) [ <b>Filed under seal</b> ]  | 1      | MSJ_178-186 |
| 14 | Tesla's Communications Policy and Confidentiality Agreement (TRIPP000781-84) [ <b>Filed under seal</b> ]  | 1      | MSJ_187-191 |
| 15 | Tesla Motors, Inc. Employee Proprietary Information and Inventions Agreement (TRIPP000820-23) [ <b>Filed under seal</b> ]   | 1      | MSJ_192-196 |
| 16 | July 27, 2017 Applicant Non-Disclosure Agreement with Tesla (GGL000140_0001) [ <b>Filed under seal</b> ]  | 1      | MSJ_197-199 |
| 17 | Exhibit 66 to the deposition of Martin Tripp, the February 20, 2018 email correspondence between Chris Guenther and Michael Bowling, subject line: "FW:3DU Stator NCM personnel issue(s)," (TES-TRIPP_0021669-70) [ <b>Filed under seal</b> ] | 1      | MSJ_200-202 |
| 18 | March 8, 2018 email correspondence between Michael Bowling and Martin Tripp (TES-TRIPP_0021668) [ <b>Filed under seal</b> ]   | 1      | MSJ_203-204 |
| 19 | Exhibit 69 to the deposition of Martin Tripp, the May 25, 2018 email correspondence between Michael Bowling nad Martin Tripp (TES-TRIPP_0000846) [ <b>Filed under seal</b> ]  | 1      | MSJ_205-206 |
| 20 | May 25, 2018 email correspondence between Michael Bowling and Martin Tripp, subject line: "Verbal Warning follow up," (TES-TRIPP_00008460) [ <b>Filed under seal</b> ]  | 1      | MSJ_207-208 |



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|    |    |  |   |             |
|----|----|--|---|-------------|
| 1  | 21 | May 27, 2018 email correspondence from <a href="mailto:mtripp@tesla.com">mtripp@tesla.com</a> to <a href="mailto:martytripp@icloud.com">martytripp@icloud.com</a> , subject line: "Fwd: NCM updates-to help reduce NCM WIP level," (TES-TRIPP_00219091-92) <b>[Filed under seal]</b> | 1 | MSJ_209-211 |
| 2  |    |  |   |             |
| 3  | 22 | May 27, 2018 email correspondence from "Marty Tripp" to "Me," subject line: "T Scrap 2018," (GGL000248)  | 1 | MSJ_212-213 |
| 4  | 23 | May 27, 2018 email correspondence from Martin Tripp to <a href="mailto:llopez@businessinsider.com">llopez@businessinsider.com</a> , subject line: "Pics," (GGL000092-GGL000092 0003) <b>[Filed under seal]</b>   | 1 | MSJ_214-218 |
| 5  |    |  |   |             |
| 6  | 24 | Exhibit 26 to the deposition of Martin Tripp, the June 5, 2018 email correspondence from Martin Tripp to Linda Lorel, subject line: "Valeo robot being removed and pic of the query for all model 3's."  | 1 | MSJ_219-220 |
| 7  |    |  |   |             |
| 8  | 25 | May 29, 2018 email correspondence from Martin Tripp to Linette Lopez, subject line: "Email to Elon," (GGL000098-GGL000098.0010) <b>[Filed under seal]</b>  | 1 | MSJ_221-232 |
| 9  | 26 | June 1, 2018 email correspondence from Martin Tripp to <a href="mailto:llopez@businessinsider.com">llopez@businessinsider.com</a> , subject line: "Scrap Tableau," (GGL000243-GGL000243 0002.0002) <b>[Filed under seal]</b>   | 2 | MSJ_233-253 |
| 10 |    |  |   |             |
| 11 | 27 | Exhibit 1 to the deposition of Martin Tripp, the May 27, 2018 email correspondence between Martin Tripp and Linette Lopez : "TESLA (From someone that works there)" <b>[Filed under seal]</b>  | 2 | MSJ_254-255 |
| 12 |    |  |   |             |
| 13 | 28 | May 27, 2018 email correspondence between Martin Tripp and <a href="mailto:llopez@businessinsider.com">llopez@businessinsider.com</a> , subject line: "T Scrap 2018," (GGL000077-GGL000077 0006) <b>[Filed under seal]</b>   | 2 | MSJ_256-404 |
| 14 | 29 | June 6, 2018 email correspondence between Kamran Mumtaz and Linette Lopez, subject line: "New machine from Germany," (TES-TRIPP_0012897-99)  | 2 | MSJ_405-408 |
| 15 |    |  |   |             |
| 16 | 30 | Linette Lopez, <i>Internal documents reveal Tesla is blowing through an insane amount of raw material and cash to make Model 3s, and production is still a nightmare</i> , BUSINESS INSIDER (June 4, 2018)   | 2 | MSJ_409-414 |
| 17 |    |  |   |             |
| 18 | 31 | Linette Lopez, <i>Tesla's new Gigafactory robots that are supposed to help it ramp up Model 3 production aren't working yet</i> , BUSINESS INSIDER (June 6, 2018)  | 2 | MSJ_415-418 |
| 19 |    |  |   |             |
| 20 | 32 | June 6, 2018 email correspondence between Martin Tripp and Linette Lopez, subject line: "New machine from Germany," (GGL000158-GGL000158.0006)   | 2 | MSJ_419-426 |
| 21 | 33 | Text message correspondence between Martin Tripp and Linette Lopez, (TRIPP000873-892) <b>[Filed under seal]</b>  | 2 | MSJ_427-447 |
| 22 | 34 | June 19, 2018 email correspondence between <a href="mailto:noreplynotifications@tesla.com">noreplynotifications@tesla.com</a> and Martin Tripp, subject line: "Information for Employees Departing Tesla,"   | 2 | MSJ_448-449 |
| 23 |    |  |   |             |
| 24 | 35 | Exhibit 58 to the deposition of Martin Tripp, the June 20, 2018 email correspondence between Martin Tripp and Julia Carrie Wong, subject line: "Termination/Lawsuit"   | 2 | MSJ_450-452 |
| 25 | 36 | Exhibit 2 to the Deposition of Shamara Bell, the June 21, 2018 email correspondence between Shamara Bell and Jeff Jones, subject line: "Martin Tripp Call"   | 2 | MSJ_453-455 |
| 26 |    |  |   |             |
| 27 | 37 | Exhibit 11 to the Deposition of Shamara Bell, the June 20, 2018 email correspondence between Brooke Airey and Avery Bustamante, subject line: "FW: Martin Trip: Possible Threat," (TRIPP00906)   | 2 | MSJ_456-457 |
| 28 |    |  |   |             |

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|----|----|---|---|-------------|
| 1  | 38 | Exhibit 12 to the Deposition of Shamara Bell, the June 20, 2018 email correspondence between Avery Bustamante, Shamara Bell, Angel Besinaiz, Brooke Airey, and Kristin Kerowicz, subject line: "Martin Trip: Possible Threat," (TES-TRIPP 0003386-88) | 2 | MSJ_458-461 |
| 2  |    |   |   |             |
| 3  | 39 | June 20, 2018 email correspondence between Shamara Bell and Kristin Kerowicz, subject line: Martin Trip: Possible Threat," (TES-TRIPP 0004022-23)   | 2 | MSJ_462-464 |
| 4  |    |   |   |             |
| 5  | 40 | June 20, 2018 email correspondence between Sarah O'Brien and Julia Wong, subject line: "Query re: Martin Tripp and your emails," (TES-TRIPP 0010122-31)   | 2 | MSJ_465-475 |
| 6  |    |   |   |             |
| 7  | 41 | June 20, 2018 email correspondence between Drew Harwell and Dave Arnold, subject line: "Hi from Washington Post," (TES-TRIPP 00221996-2002)   | 3 | MSJ_476-483 |
| 8  | 42 | June 21, 2018 email correspondence between Don Reisinger and Dave Arnold, subject line: "Fortune inquiry on Tripp's comments" (TES-TRIPP 0004024-25)  | 3 | MSJ_484-486 |
| 9  |    |   |   |             |
| 10 | 43 | Exhibit 3 to the Deposition of Dave Arnold, the June 20, 2018 email correspondence between Drew Harwell and Dave Arnold, subject line: "Hi from Washington Post" (TES-TRIPP 0006183-89)   | 3 | MSJ_487-494 |
| 11 |    |   |   |             |
| 12 | 44 | June 21, 2018 email correspondence between Sarah O'Brien and Dave Arnold, subject line: "Hi from Washington Post" (TES-TRIPP 0009687-700) [Filed under seal]  | 3 | MSJ_495-509 |
| 13 | 45 | Exhibit 4 to the deposition of Dave Arnold, the June 21, 2018 email correspondence between Dave Arnold and Lora Kolodny, subject line: "CNBC query-Martin Tripp interview in WaPo – whistleblower claims" (TES-TRIPP 0006175-76)                      | 3 | MSJ_510-512 |
| 14 |    |   |   |             |
| 15 | 46 | August 28, 2018 email correspondence from Arlan Adamsen to himself, subject line: "FW: Conversation with Kristin Kerowicz" (TES-TRIPP 0000971-73)   | 3 | MSJ_513-516 |
| 16 |    |   |   |             |
| 17 | 47 | Sean Gouthro, Storey County Sheriff's Office Felony Report (TRIPP01253-66)  | 3 | MSJ_517-531 |
| 18 | 48 | Excerpts from the certified transcript of James Uelmen's June 25, 2018 interview with Nicolas Gicinto and Justin Zeefe (TES-TRIPP 0028348)  | 3 | MSJ_532-541 |
| 19 |    |   |   |             |
| 20 | 49 | Martin Tripp's Second Amended Response and Objections to Tesla's Interrogatory No. 7, served on June 13, 2019 [Filed under seal]  | 3 | MSJ_542-548 |
| 21 | 50 | Tesla's Amended Response and Objections to Martin Tripp's Interrogatory No. 13, served on May 20, 2019 [Filed under seal]   | 3 | MSJ_549-554 |
| 22 |    |   |   |             |
| 23 | 51 | Exhibit 41 to the deposition of Martin Tripp  | 3 | MSJ_555-557 |
| 24 | A  | <i>Tesla CEO Elon Musk, stressed but "optimistic," predicts big increase in Model 3 production, CBS NEWS (April 13, 2018)</i>   | 3 | MSJ_558-563 |
| 25 | B  | <i>Linette Lopez, Internal documents reveal Tesla is blowing through an insane amount of raw material and cash to make Model 3s, and production is still a nightmare, BUSINESS INSIDER (June 4, 2018)</i>   | 3 | MSJ_564-569 |
| 26 | C  | <i>Linette Lopez, Tesla's new Gigafactory robots that are supposed to help it ramp up Model 3 production aren't working yet, BUSINESS INSIDER (June 6, 2018)</i>  | 3 | MSJ_570-573 |
| 27 |    |   |   |             |
| 28 | D  | Tesla Motors, Inc. Employee Proprietary Information and Inventions Agreement (TRIPP000820-23) [Filed under seal]  | 3 | MSJ_574-578 |

|   |   |  |   |             |
|---|---|--|---|-------------|
| 1 | E | Tesla's Communications Policy and Confidentiality Agreement (TRIPP000781-84) [ <b>Filed under seal</b> ]   | 3 | MSJ_579-583 |
| 2 | F | June 18, 2018 Email from Elon Musk to Everyone, subject line: "Some concerning news" (TES-TRIPP 0001221-1222)  | 3 | MSJ_584-586 |
| 3 | G | June 20, 2018 email correspondence between Elon Musk, Todd Maron and Sarah O'Brien, subject line: "Termination Lawsuit" (TRIPP000868)                                  | 3 | MSJ_587-588 |
| 4 | H | June 20, 2018 email correspondence between Elon Musk, Julie Wong, David Arnold, Press and Sarah O'Brien, subject line: "Termination Lawsuit" (TES-TRIPP 0016924-16930) | 3 | MSJ_589-596 |
| 5 | I | July 5, 2018 Tweet from Elon Musk @lopezlinette (TES-TRIPP 0004648)  | 3 | MSJ_597-598 |

8 Respectfully submitted this 31<sup>st</sup> day of March, 2020.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the March 31, 2020, a true and correct copy of the foregoing **APPENDIX OF EXHIBITS IN SUPPORT OF TESLA, INC.'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT (VOLUME 2 of 3)** was electronically filed with the Clerk of the Court by using CM/ECF service which will provide copies to the following counsel of record registered to receive CM/ECF notification.

/s/ CaraMia Gerard

An employee of McDonald Carano LLP